

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:11-cr-00447-W**

**SALSARITA’S FRANCHISING, LLC and)
SALSARITA’S HOLDINGS, LLC,)**

Plaintiffs,)

vs.)

DEFAULT JUDGMENT

**ALLEN PARK SALSARITA'S, LLC and)
TOMMY OSMAN,)**

Defendants.)

THIS MATTER is before the Court upon motion by Plaintiffs Salsarita’s Franchising, LLC and Salsarita’s Holdings, LLC, for Default Judgment pursuant to Fed. R. Civ. P. 55(b)(2) and for a Permanent Injunction (Doc. No. 14).

Based on the record before it, the Court finds that the Defendant Allen Park Salsarita’s, LLC and Tommy Osman (collectively “Defendants”) were properly served with the summons and Complaint in this action on September 16, 2011. Further, it appears as though this Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1267, and personal jurisdiction over Defendants pursuant to their contractual agreement with Plaintiffs. (Doc. No. 1-5, p.3). Defendants are not infants or incompetents. Defendants have nonetheless failed to answer or otherwise defend the action within the time permitted by the Federal Rules of Civil Procedure. Pursuant to Fed. R. Civ. P. 55(a), the Clerk entered Defendants’ default on October 27, 2011 (Doc. No. 13).

Having reviewed the papers filed in support of Plaintiffs’ Motion for Entry of Default Judgment and the applicable law, the Court finds that Plaintiffs’ Motion should be and hereby is

GRANTED.

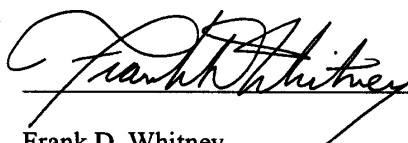
Judgment is hereby entered in favor of Plaintiffs Salsarita's Franchising, LLC and against Defendants Allen Park Salsarita's and Tommy Osman, jointly and severally, in the amount of thirty-seven thousand four hundred thirteen dollars and thirty-three cents (\$37,413.33) with post-judgment interest to accrue at the statutory rate until paid.

Having reviewed the claims asserted in the Complaint and the evidence submitted in connection with Plaintiffs' Motion for Preliminary Injunction, the Court also finds that Plaintiffs are entitled to a permanent injunction, which shall issue in a separate order.

Costs are awarded to Plaintiffs pursuant to Fed. R. Civ. P. 54. Pursuant to Fed. R. Civ. P. 55(d)(2), and pursuant the terms of the Franchise Agreement entered into by the parties, Plaintiffs are entitled to reasonable attorneys' fees incurred in this action. Plaintiffs shall submit any claim for attorney's fees by no later than 14 days after entry of this judgment.

IT IS SO ORDERED.

Signed: January 4, 2012



Frank D. Whitney
United States District Judge

